

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 27, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	4
ATTENDANCE DURING THE MEETING	5
ITEM-1: ROLL CALL	5
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
ITEM-30: Approval of Council Minutes	6
ITEM-31: Renewable Energy Day	7
NON-AGENDA COMMENT	8
COUNCIL COMMENT	10
* ITEM-50: Curfew on the Spruce Street Pedestrian Bridge	10
* ITEM-51: Prohibiting Smoking In and Around “Tot Lots” in City Parks	11
* ITEM-52: Request to Exempt a Program Manager from the Classified Service for the Chief’s Office	11
* ITEM-53: Exemption of Medical Review Officer from the Classified Service	12
* ITEM-54: Office Space Lease Amendment for the Office of the City Attorney	13
* ITEM-55: Lease Agreement for the Tierrasanta Community Service Center	13
* ITEM-56: Amendment to Municipal Code Relating to Library Operations and Maintenance	14

Minutes of Monday, November 27, 2000
Table of Contents (Continued)

Page 2

* ITEM-57:	La Jolla Commons Rezoning	15
* ITEM-100:	Final Approval of FY 2001 Budget Allocations for City Programs	16
* ITEM-101:	Annual Election of College Community Project Area Committee (PAC) Members and Extension of PAC Term	17
* ITEM-102:	Freeway Agreement with Caltrans for State Route 125 South	17
* ITEM-103:	Excusing Councilmember Christine Kehoe from the City Council Meeting of November 14, 2000 and the Land Use & Housing Committee Meeting of November 15, 2000.	19
ITEM-104:	Public/Private Partnership Agreements for the South Chollas Landfill Clean Fuel Project	19
ITEM-200:	Creating a Time Capsule to Celebrate San Diego's History and the Start of a New Millennium	20
ITEM-201:	Establishing a Public Safety Officers Memorial	21
ITEM-202:	<u>Two</u> actions related to Transfer of Funds and Approving the Plans and Specifications and Inviting Bids for the Construction of North Chollas Community Park Phase I Improvements	22
ITEM-203:	Approving the Plans and Specifications and Inviting Bids for the North Metro Interceptor Diversion 3A Project	25
ITEM-204:	State of California Natural Communities Conservation Planning Grant Program	27
ITEM-205:	State of California Wildlife Conservation Board (WCB) Grant	29
ITEM-206:	Montana Mirador Open Space Acquisition	30
ITEM-207:	<u>Two</u> actions related to Three Year Funding Policy Statement for the Multiple Species Conservation Program (MSCP)	32
ITEM-208:	Authorizing of Expenditure for Miramar Early Start Improvements Phase I and Phase II Owner Purchased Materials	33

Minutes of Monday, November 27, 2000
Table of Contents (Continued)

Page 3

ITEM-209:	Alvarado Water Treatment, Phase III Agreement with Malcolm Pirnie, Inc	35
ITEM-210:	Actions Pertaining to Regional Air Transportation Capacity Workshop	37
ITEM-211:	Annual Budget for San Diego Data Processing Corporation for Fiscal Year 2001	38
ITEM-212:	Sale of 49 percent Interest in Lot 5 to Settle Pending Litigation Between the City and The ARC of San Diego (formerly the Association of Retarded Citizens) . .	39
ITEM-213:	Continuing Negotiations with Clews Ranch for the Stephen's Ranch Property in Carmel Valley.	41
ITEM-214:	Public Safety Ordinance	42
ITEM-S400:	Modifying Branch Library Operating Hours	44
ITEM-S401:	North Torrey Pines Road Bridge over San Diego Northern Railway Bridge Transfer	44
*ITEM-S402:	Appointment to the San Diego Convention Center Corporation Board of Directors	45
ADJOURNMENT	46

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:12 p.m. Mayor Golding presented a special recognition plaque to Deputy Mayor Mathis and thanked him for his service as the Deputy Mayor for the year 2000. Mayor Golding also recognized and welcomed Mayor-Elect Dick Murphy. Mayor Golding presented special recognition plaques to Deputy Mayor Mathis, Council Members Kehoe, Blair, McCarty, and Vargas and former Council Member Warden in appreciation for their dedicated service to their district and to the citizens of the City of San Diego. Deputy Mayor Mathis and the City Council presented a plaque to Mayor Susan Golding for the years of service from 1992 through 2000 for her dedication and leadership to the City of San Diego and also recognized her as the 32nd Mayor of the City of San Diego. Council Member Stevens added to Mayor Golding's special recognition and thanked Council Members Mathis, Kehoe, McCarty, and Vargas for their years of service to the City of San Diego. Council Member Vargas recognized and introduced his wife Adrian and his daughter Rosa and also added his thanks to Mayor Golding and the Council Members for all their help that they have given him in his district. In addition, Council Member Kehoe said that it has been a privilege for her to serve her Council district and the people of San Diego and thanked Mayor Golding for the plaque and wished the new Mayor and the new Council Members the best. Council Member McCarty added that it has been a pleasure and a privilege to be involved with the Council. She wished Council Members Kehoe and Vargas and Mayor Elect Murphy and the new Council Members the best. Deputy Mayor Mathis commented that it has been a great opportunity for him to serve his district and the people of San Diego and thanked all for their help, support and friendship. Council Member Blair also thanked his fellow Council Members for their support and guidance. Mayor Golding recognized Don Stillwell for his comments and presence at every Council Meeting and proclaimed November 27, 2000 to be "Don Stillwell Day" in the City of San Diego. Mayor Golding adjourned the meeting at 7:00 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Blair-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (ew)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Blair-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Chris Olson of Horizon Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

10/31/2000	Adjourned
11/06/2000	Adjourned
11/07/2000	Adjourned
11/13/2000	Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A042-043.)

MOTION BY WEAR TO APPROVE. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-31: Renewable Energy Day.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-875) ADOPTED AS RESOLUTION R-294288

Recognizing and appreciating the assistance of the Department of Energy and proclaiming November 30, 2000 to be "Renewable Energy Day" in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager's Information Report to Council of November 20, 2000 explained the selection of San Diego as a demonstration site for the White House sponsored national Livable Community Initiative. San Diego's project is led by Environmental Services Department with work occurring in six theme areas. The Department of Energy is the federal lead agency. Three of the six themes focus on environmental technologies, specifically those associated with energy efficiency and renewable energy. The remaining three themes are designed to raise the profile of the environmental, economic and social benefits available through energy efficiency and renewable energy by providing public forums, international workshops with Tijuana, and by pursuing environmental management systems in City departments. A framing document, signed by Secretary Bill Richardson, United States Department of Energy and Mayor Susan Golding, identifies each of the agencies objectives and roles in this collaborative project.

The Department of Energy (DOE) funded a \$60,000 feasibility study at the Miramar Landfill to evaluate the potential use of photovoltaic arrays on closed landfill sites. The initial analysis, based on a one megawatt distributed power plant, is favorable in terms of the economic and environmental aspects. The DOE Office of Energy Efficiency and Renewable Energy has also dedicated tremendous staff time to work with the City in evaluating other renewable energy options, as well as clean fuel and energy efficiency projects.

Recognizing that the City of San Diego, and the region at large, face serious energy reliability shortfalls which must be overcome, and that serious air quality issues are also a concern, the choice for renewable energy is one that meets the needs of our current residents without jeopardizing the environmental quality of future generations.

By proclaiming "Renewable Energy Day", the public is informed about innovative solutions to our current energy crisis, and encouraged to consider options, such as renewable energy, that balance economic, environmental and societal needs. Additionally, the proclamation formally acknowledges the outstanding service to the City provided by the Department of Energy.

FISCAL IMPACT:

None.

Epler

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-109; A484-522.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Comments by Linda Smith regarding the following: 1) Is the height of the front fence at Wabash and Polk in code compliance; 2) Is the bus stop at El Cajon and Felton, where there is a storm drain and driveway which she was injured at in February, ADA compliant; 3) Is the bus stop at 33rd and University, the number 8 Line which has an 18-inch high curb, ADA compliant; and 4) The response of a Police Officer when in July she asked the officer why they were having a shooting every six to eight weeks and the police officer responded that they don't obey us.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B099-146.)

PUBLIC COMMENT-2:

Comment by Don Stillwell requesting that meeting changes be announced to the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B147-171.)

PUBLIC COMMENT-3:

Comment by Jan Fuchs from the Carmel Valley Community thanking the City Council for their work and service to the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B172-214.)

PUBLIC COMMENT-4:

Comment by Gerri Stryker thanking the City Council for their hard work that they did for the communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B215-246.)

PUBLIC COMMENT-5: REFFERED TO THE CITY MANAGER

Comments by Pat Granger regarding the following: 1) With regard to the zoning changes that would allow for a student center to be built in the area, what protection does the neighborhood have for any other institutions buying property and changing it for institutional use; and 2) the issue of students parking in the area.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: B247-305.)

COUNCIL COMMENT:

NONE.

* ITEM-50: Curfew on the Spruce Street Pedestrian Bridge.

(District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe, Vargas, and Mayor Golding not present.):

(O-2001-86) ADOPTED AS ORDINANCE O-18891 (New Series)

Amending Chapter VI, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0120 relating to Curfews in Downtown Parks, making unlawful for any person to be on the Spruce Street Pedestrian Bridge from 10:00 p.m. until 6:00 a.m.

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51: Prohibiting Smoking In and Around “Tot Lots” in City Parks.

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe and Vargas, and Mayor Golding not present.)

(O-2001-79 Cor. Copy) ADOPTED AS ORDINANCE O-18892 (New Series)

Amending Chapter IV, Article 3, Division 10, of the San Diego Municipal Code by amending Sections 43.1001, 43.1002, and 43.1003, all relating to Smoking Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52: Request to Exempt a Program Manager from the Classified Service for the Chief’s Office.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe, Vargas and Mayor Golding not present):

(O-2001-78) ADOPTED AS ORDINANCE O-18893 (New Series)
Exempting a Program Manager position from the Classified Service in the Chief’s Office of the San Diego Police Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53: Exemption of Medical Review Officer from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe and Vargas and Mayor Golding not present.):

(O-2001-73) ADOPTED AS ORDINANCE O-18894 (New Series)

Amending Ordinance O-18806 (New Series), entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2000-01" by amending Exhibit C to add one Medical Review Officer position to the Unclassified Salary Tables and exempting said position from the Classified Service.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54: Office Space Lease Amendment for the Office of the City Attorney.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe, Vargas, and Mayor Golding not present.):

(O-2001-74) ADOPTED AS ORDINANCE O-18895 (New Series)

Authorizing the execution of an Eighth Amendment to Lease with Civic Center Associates for additional office space of approximately 822 square feet on the 15th floor of the Civic Center Plaza Building, for the Office of the City Attorney, commencing November 1, 2000, and terminating July 23, 2014, at an initial monthly rent of \$1,109.70;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$8,877.60 from the City Attorney's Fund 100, Department 45, for rent from the Fiscal Year 2001 budget.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-Civic Center Associates

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-55: Lease Agreement for the Tierrasanta Community Service Center.

(Tierrasanta Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe, Vargas and Mayor Golding not present.):

(O-2001-83) ADOPTED AS ORDINANCE O-18896 (New Series)

Authorizing a lease agreement with GMS Realty, LLC., for general office usage for the Tierrasanta Community Service Center and Police Storefront;

Authorizing the expenditure of an amount not to exceed \$29,411.25 from the Community Service Center Fund 10170 for rent from the Fiscal Year 2001 budget.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-GMS Realty, LLC

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-56: Amendment to Municipal Code Relating to Library Operations and Maintenance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 6-0. Councilmembers Kehoe and Vargas and Mayor Golding not present.):

(O-2001-70) ADOPTED AS ORDINANCE O-18897 (New Series)

Amending Chapter II, Article 2, Division 2 of the San Diego Municipal Code by adding Section 22.0228 relating to funding for operation and maintenance of City Libraries in proposing the annual budget.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-57: La Jolla Commons Rezoning.

(University Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2000. (Council voted 5-1. Councilmembers Mathis, Wear, Blair, Stallings, and McCarty voted yea. Councilmember Stevens voted nay. Councilmembers Kehoe and Vargas and Mayor Golding not present.):

(O-2001-84) ADOPTED AS ORDINANCE O-18898 (New Series)

Changing 16.89 acres, located between La Jolla Village Drive and Nexus Center Drive, in the University Community Plan area, from the R1-5000 zone to the CV and SR zones, as defined by San Diego Municipal Code Sections 101.0426.1 and 101.0434; and repealing Ordinance No. 13455 (Old Series), adopted February 15, 1932, of the ordinances of the City of San Diego insofar as the same conflict herewith.

FILE LOCATION: LAND-Progress Guide and General Plan/University
Community Plan - La Jolla Commons (09)

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-100: Final Approval of FY 2001 Budget Allocations for City Programs.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-869) ADOPTED AS RESOLUTION R-294289

Directing the City Manager to fund programs originally approved by the Council
during Budget Deliberations for FY 2001, as outlined in Councilmember Wear's
memorandum dated November 8, 2000 to the Honorable Mayor and City
Councilmembers.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Blair. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-101: Annual Election of College Community Project Area Committee (PAC) Members and Extension of PAC Term.

(See City Manager Report CMR-00-263.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-834) ADOPTED AS RESOLUTION R-294290

Approving a Representative Project Area Committee for the College Community Redevelopment Project Area;

Declaring that the City Council extends the effective life of the PAC through the next Annual Election of the PAC in calendar year 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-102: Freeway Agreement with Caltrans for State Route 125 South.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-881) ADOPTED AS RESOLUTION R-294291

Authorizing the City Manager to execute a Freeway Agreement with Caltrans for

the State Route 125 South (SR-125 will provide a freeway link between SR-54 and Otay Mesa Road).

CITY MANAGER SUPPORTING INFORMATION:

State Route 125 will provide a freeway link between State Route 54 and Otay Mesa Road. The project is being designed and built as a toll facility by California Transportation Ventures, a private consortium, and the State of California Department of Transportation (CalTrans). A Freeway Agreement between the City of San Diego and CalTrans must be executed to authorize CalTrans to construct the portion of State Route 125 that lies within the city limits of San Diego. The environmental document for this project includes a grade-separated interchange with Otay Mesa Road and State Route 905. However, because the construction schedule for SR-905 has been accelerated, CalTrans may propose an interim at-grade intersection at SR-125 and Otay Mesa Road to avoid delays to the SR-905 construction schedule. If an at-grade intersection is projected to operate at less than Level of Service D in 2005, then it will be abandoned as an option. In addition, the City must approve use of the at-grade intersection in lieu of the grade-separated interchange regardless of the level of service. All design, engineering, right-of-way, and construction costs for the project will be borne by Caltrans and CTV.

FISCAL IMPACT:

Funds are budgeted within the Transportation Department, Traffic Engineering's operating fund for this purpose.

Belock/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-103: Excusing Councilmember Christine Kehoe from the City Council Meeting of November 14, 2000 and the Land Use & Housing Committee Meeting of November 15, 2000.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-891) ADOPTED AS RESOLUTION R-294292

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Council meeting of Tuesday, November 14, 2000, and the Land Use and Housing Committee meeting of November 15, 2000.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A484-522.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- ITEM-104: Public/Private Partnership Agreements for the South Chollas Landfill Clean Fuel Project.

(See City Manager Report CMR-00-242. Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-836 Cor. Copy) ADOPTED AS RESOLUTION R-294293

Granting the approval of the terms of the public/private partnership agreements with (a) Golden Spread South Chollas LLC for the rights to the landfill gas (LFG)

at South Chollas Landfill, to design, build and finance improvements to the existing LFG collection system and to operate the South LFG collection system and (b) Tech-San South Chollas LLC to lease the liquefied natural gas (LNG) Conversion System Site from the City to design, build, and finance a LFG to LNG conversion facility;

Authorizing the City Manager to enter into a public/private partnership agreements for the South Chollas Landfill with Golden Spread South Chollas LLC and Tech-San South Chollas LLC;

Authorizing the City Manager to enter and approve the public/private partnership agreements with Applied LNG Technologies USA, LLC to lease a LNG fueling station to the City for five years at a cost of \$135,000 per year beginning January 2001, and to provide LNG as a vehicle fuel at a fixed rate for five years.

Aud. Cert. 2100549.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A665-B098.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Creating a Time Capsule to Celebrate San Diego's History and the Start of a New Millennium.

(See Memorandum from Mayor Golding dated 11/16/2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-895) ADOPTED AS RESOLUTION R-294294

Directing the City Manager to prepare an archivally correct time capsule to

memorialize the City of San Diego's year-long Millennium celebration, San Diego 2000;

Requesting the City Manager to select an appropriate venue, preferably in Balboa Park, to site and maintain this important collection of our history.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Establishing a Public Safety Officers Memorial.

(See Memorandum from Mayor Golding dated 11/16/2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-896) ADOPTED AS RESOLUTION R-294295

Directing the City Manager to work with the San Diego Police Officers Association, San Diego Fire Fighters Local 145, the San Diego Lifeguard Association, and the San Diego Crime Commission and the Firefighters Relief Fund to jointly create and implement a plan, including a site selection, for a City of San Diego Public Safety Officers Memorial for all those who have served, and continue to serve this City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Two actions related to Transfer of Funds and Approving the Plans and Specifications and Inviting Bids for the Construction of North Chollas Community Park Phase I Improvements.

(Mid City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

Subitem-A: (R-2001-802) ADOPTED AS RESOLUTION R-294296

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of North Chollas Community Park Phase I Improvements on Work Order No. 119174;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Manager to accept a \$100,000 donation from Sports Training, Academics and Recreation/Police Athletic League (Star/Pal) for the North Chollas Community Park sports field;

Authorizing the City Auditor and Comptroller to transfer \$85,000 from Community Development Block Grant Fund No. 18534; \$75,000 from CDBG, Fund No. 18535; \$127,483 from CDBG, Fund No. 18536; \$100,000 from City Matching Funds (Star/Pal), Fund No. 10365; \$100,000 from City Matching Funds Item No. 248, Fund No. 10365; and \$1,892,000 from State Park Trailer Bill Funds to CIP-29-667.0, North Chollas Community Park Phase I Improvements, provided that the City Auditor and Comptroller first furnishes a certificate

demonstrating that the funds necessary for such transfer are, or will be, on deposit in the City Treasury, and contingent upon receipt of fully executed grant agreement with the State of California;

Authorizing the expenditure of an amount not to exceed \$2,379,483 from CIP-29-667.0, North Chollas Community Park Phase I Improvements, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund No. 10365 contingent on the receipt of donations equal to or greater than said expenditure;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01035C)

Subitem-B: (R-2001-803) ADOPTED AS RESOLUTION R-294297

Certifying that Mitigated Negative Declaration LDR-98-0150 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of North Chollas Community Park Phase I Improvements;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving said LDR Mitigated Negative Declaration;

Adopting the Mitigated Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Phase I of the North Chollas Community Park project will provide a turfed and irrigated three-hundred (300) foot multipurpose athletic field to meet the immediate recreational need of the community. Subsequent phases of the project will include entry road, signage and gates, bridge overcrossing, parking areas, additional multi-purpose fields, paved walkways and spectator areas, restroom and concession stand, tot lot play area, passive turf-areas, interpretive nature trails and signage, and habitat restoration. Sports Training, Academics and Recreation/Police Athletic League (Star/Pal), a non-profit organization, through a NFL Charities/Local Initiative Support Corporation grant, has donated \$100,000 to the project.

FISCAL IMPACT:

The estimated total cost of the Phase I project is \$1,065,275 of which \$381,550 has been previously approved. The remaining funds are available by transferring CDBG, donation by Star/Pal, City Matching Funds, and State Park Trailer Bill allocations to CIP-29-667.0, North Chollas Community Park Phase I Improvements. Additional approved funding shall be used for the design and construction of subsequent phases.

Belock/Boekamp/AO

Aud. Cert. 2100524.

FILE LOCATION: Subitems A & B: CONT - E. V. Constructors, Inc.; W.O.
119174

COUNCIL ACTION: (Tape location: B428-C098.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Approving the Plans and Specifications and Inviting Bids for the North Metro Interceptor Diversion 3A Project.

(Linda Vista and Mission Valley Community Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-694) ADOPTED AS RESOLUTION R-294298

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the North Metro Interceptor Diversion 3A Project on Work Order No. 171711;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$3,383,203 as follows: \$3,239,703 from Sewer Fund No. 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A and \$143,500 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency; provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01101)

CITY MANAGER SUPPORTING INFORMATION:

This request provides for authorization to advertise for bids and award of a contract to the lowest responsible bidder, based on actual low bid submitted, for the North Metro Interceptor Diversion 3A (NMID3A) project. MWWDD has identified the need to inspect the internal condition of the existing 96-inch North Metro Interceptor (NMI) sewer constructed in 1963, and possibly perform rehabilitation repairs. The NMID3A project will divert flow from the 96-inch NMI

sewer to the newly constructed 108-inch NMI Phase 1. At the same time, NMID3A will intercept the 72-inch Morena Boulevard Trunk (MBT) sewer, and will divert the flow via the existing abandoned 66-inch North Mission Valley Interceptor (NMVI) sewer to the northern end of the 108-inch NMI Phase I near the intersection of Napa Street and Friars Road. This will reduce the flow to the 96-inch NMI sewer allowing for the inspection and possible rehabilitation of the 96-inch NMI sewer downstream. The NMID3A consists of the construction of five diversion structures and connects to the existing abandoned 66-inch NMVI to divert flows to the 108-inch North Metro Interceptor Phase I (NMI I). The work will be conducted at two different locations. Location 1, at the intersection of Friars Road and Napa Street, will consist of removing a section of the existing 66-inch NMVI and constructing three diversion structures. Location 2, located at 4891 Pacific Highway, will consist of removing a section of the existing 66-inch NMI and the 72-inch MBT and constructing two underground diversion structures. A new 75-foot segment of 66-inch plastic lining reinforced concrete pipe (PLRCP) will connect the two new diversion structures. Construction zones for the required connection between the existing abandoned 66-inch NMVIS and the existing 108-inch NMI sewer Phase 1 will be located on Friars Road. All construction will be performed in the City's right-of-way or existing easements.

FISCAL IMPACT:

The total cost of this action is \$3,383,203 of which \$3,239,703 is available for construction and related costs from Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A and \$143,500 is available in Fund 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency for project contingency.

Belock/Schlesinger/ALM

FILE LOCATION: CONT - Mitchell Pacific Constructors, Inc.;
W.O. 171711

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-204: State of California Natural Communities Conservation Planning Grant Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-855) ADOPTED AS RESOLUTION R-294299

Authorizing the City Manager to submit an application to the State Natural Conservation Planning (NCCP) Grant Program for MSCP Preserve Monitoring and Management Activities;

Authorizing the City Manager to take all necessary actions to secure funding;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, payment requests, which may be necessary for the completion of the projects;

Authorizing the City Manager to accept, appropriate and expend monies in accordance with the grant application and conditions if grants are awarded;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing account for the NCCP Grant Program for MSCP Preserve Monitoring and Management Activities.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposals under the State's 2000-2001 NCCP implementation grant program. The Multiple Species Conservation Program (MSCP) is the local equivalent of the State's Natural Communities Conservation Planning (NCCP) Program of which the City of San Diego is a participating member. The City of San Diego adopted the MSCP on March 18, 1997. These grants would allow the City to obtain State funding to fulfill tasks related to monitoring and management of lands within the MSCP.

The six proposals are as follows:

1. Rare Plant Monitoring at Black Mountain: The proposed grant would conduct a comprehensive baseline study of Black Mountain to update the vegetation mapping and survey for rare plants.

Newly found populations of MSCP covered plant species would be evaluated for inclusion into the annual MSCP biological monitoring program. 2.Monitoring Herpetofuana and Ant Diversity of Carmel Mountain: City staff would work the USGS Biological Resource Division under direction of Dr. Robert Fisher to establish reptile and ant diversity monitoring stations on Carmel Mountain and Del Mar Mesa. Currently the USGS has ten sampling stations located throughout the MSCP. This grant would fund two additional locations. 3.Habitat Management Plan for City Lands in San Pasqual Valley: City staff working with the Conservation Biology Institute, a nationally recognized, non-profit organization with expertise in biological management and monitoring, to develop an area-specific management plan for City of San Diego-owned preserve lands in the San Pasqual Valley and the Lake Hodges. Staff from the Departments of Water Utilities, Park and Recreation and the MSCP would work on the development of this plan. 4.San Pasqual Coastal Sage Scrub Restoration: Last year 15 acres of disturbed land were restored to coastal sage Scrub. This grant would allow for the continued maintenance and monitoring, including weeding, additional seeding and plantings, and documentation of the restoration progress. 5.Lopez Canyon Willowy Monardella: The City of San Diego in cooperation with the Friends of Penasquitos and the California Native Plant Society, are proposing to establish a series of hydrologic structures aimed at slowing water velocity to reduce scour and protect alluvial terraces supporting willowy monardella, an endangered plant. Structures would include small step weirs, gabion, and mattresses designed to slow water velocity. Similar efforts in Rose Canyon and Miriam Bear Park have proven successful in protecting the natural stream resources. 6.Burrowing Owl Monitoring: City staff are proposing to establish a baseline survey of Burrowing Owls within the City of San Diego and identify opportunities for population enhancements.

FISCAL IMPACT:

A total of \$386,872 would be received if all grants are approved. A total of \$10,653 of in-kind matching services from the City is proposed. The in-kind services have been included in the Department's approved FY 01 budget.

Loveland/Christiansen/KG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: State of California Wildlife Conservation Board (WCB) Grant.

(East Elliot Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-854) ADOPTED AS RESOLUTION R-294300

Authorizing the City Manager to submit an application to the State Wildlife Conservation Board (WCB) for open space acquisition of East Elliot Parcels;

Authorizing the City Manager to take all necessary actions to secure funding;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, payment requests, which may be necessary for the completion of the project;

Authorizing the City Manager to accept, appropriate and expend monies if grants are awarded, subject to future City Council action to appropriate matching funds;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing account to deposit grant funds received from WCB for the acquisition of East Elliot parcels.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of a \$3,000,000 grant from the State of California Wildlife Conservation Board to assist in the acquisition of one or more properties within the East Elliott area of the City of San Diego. Parcels would be acquired at fair-market-value from willing sellers. Appraisals are currently being conducted by the City's Real Estate Assets Department. The grant will require a 100% match (every grant dollar would need to be matched with a dollar from the City). Subject to future Council approval, the local match could come from Tobacco Settlement Funds, public project mitigation funds, private project mitigation funds (the Habitat Acquisition Fund), property sales, non-Prop 12 grants or exactions of extraordinary benefit.

FISCAL IMPACT:

A total of \$3,000,000 would be received under the proposed WCB grant. A required local match of \$3,000,000 in value would be required. Staff is exploring both cash and non-cash sources for the required local match.

Loveland/Christiansen/KG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Montana Mirador Open Space Acquisition.

(See City Manager Report CMR-00-259. Rancho Penasquitos Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-853 Cor. Copy) ADOPTED AS RESOLUTION R-294301

Authorizing the City Manager to negotiate and execute an agreement with the County Water Authority to accept \$4,424,875 in funds for the purpose of acquiring approximately 325 acres of open space from the area in which the City has an Option Agreement known as Montana Mirador;

Directing the City Manager to exercise the existing purchase option to add CIP-29-426.09, Montana Mirador Open Space Acquisition, to the FY 2001 Capital Improvements Programs;

Authorizing the City Auditor and Comptroller to accept \$4,424,875 from CWA into CIP-29-426.09 and to expend that same amount from CIP-29-426.09 for the acquisition of Montana Mirador Open Space;

Authorizing the City Manager to submit an application to the State Wildlife Conservation Board to obtain the funding for the balance (\$3,391,460) of the Montana Mirador purchase price;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for the exercise of the aforementioned Option Agreement and the acquisition of Montana Mirador Open Space;

Authorizing the City Auditor and Comptroller to accept, and appropriate monies if grants are awarded by WCB into CIP-29-426.09 for the balance in the amount of \$3,391,460 needed for the acquisition of the total 538.23 acres comprising the full Montana Mirador Open Space Acquisition;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$7,816,335 (\$4,424,875 from the CWA and \$3,391,460 from the WCB) from CIP-29-426.09, Montana Mirador Open Space Acquisition, for the purpose of acquiring approximately 538.23 acres of open space and related costs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: Two actions related to Three Year Funding Policy Statement for the Multiple Species Conservation Program (MSCP).

(See City Manager Report CMR-00-260.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-856) ADOPTED AS RESOLUTION R-294302

Adopting a Three Year Funding Policy Statement for the Multiple Species Conservation Program (MSCP), specifically set forth in City Manager Report CMR-00-260, for establishing and implementing a funding source adequate to meet the City's share of MSCP and Subarea Plan implementation costs.

Subitem-B: (R-2001-887) ADOPTED AS RESOLUTION R-294303

Certifying that the Council has reviewed and considered information contained in the EIR/EIS, LDR-93-0287, dated January 1997 related to approval of the MSCP Program and making certain findings and determinations regarding environmental impacts of approving a Three Year MSCP Funding Policy Statement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C099-421.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208: Authorizing of Expenditure for Miramar Early Start Improvements Phase I and Phase II Owner Purchased Materials.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-654) ADOPTED AS RESOLUTION R-294304

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,180,000 from Water Fund 41500, CIP-73-284.0, Miramar Early Start Improvements Phase I and Phase II Owner Furnished Equipment;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$565,290.45 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant, for City in-house engineering costs, and Owner Controlled Insurance Program;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$10,000 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant, for property acquisition and related costs;

Authorizing the Purchasing Agent to award the Owner Furnished Equipment Contracts for Miramar Early Start Improvements Phase I and Phase II to the lowest responsible and responsive bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that necessary funds for such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Water Department is progressing with the design to expand the capacity of the existing Miramar Water Treatment Plant (WTP) from 140 million gallon per day (MGD) to 215 MGD to meet the future demand of its service area. In addition to increasing the

capacity, the design is underway to upgrade the majority of the treatment unit processes-to allow for improved operation and maintenance, and to meet the new drinking water quality standards set by the U.S. Environmental Protection Agency. Miramar Early Start Improvements Projects (ESIP) Phase I & II are part of the Plant's upgrade and expansion effort. The Early Start Projects consists of initial project components outside Miramar WTP perimeter which includes Lake Miramar Pump Station improvements, raw water pipelines, treated water pipelines, and improvements to Miramar Lake Recreation area.

This project will be constructed in three phases to minimize community impacts and keep Miramar WTP in operation during construction. It is anticipated that ESIP Phase I will be advertised for bids in December 2000, and construction to begin in March 2001. To accommodate this schedule City staff is proposing to pre-purchase the pipelines associated with ESIP Phase I & II prior to construction to have it available on site once a contractor is selected. Pipelines (diameter range 36" to 90") will be prepurchased through two contracts. The first contract consists of 4,699 linear feet of pipes for ESIP Phase I at an estimated cost of \$470,000. The second contract consists of 3,970 linear feet of pipes for ESIP Phase II at an estimate of \$710,000. Pipes pre-purchase will reduce the construction duration by three to four months which will help to meet the project schedule and significantly minimize community impacts.

FISCAL IMPACT:

The balance required in the amount of \$1,755,290.45 is available from Water Revenue Fund 41500, CIP-73-284.0, Miramar Water Treatment Upgrade and Expansion.

Belock/Gardner/NK

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209: Alvarado Water Treatment, Phase III Agreement with Malcolm Pirnie, Inc.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-619) ADOPTED AS RESOLUTION R-294305

Authorizing the City Manager to execute a phase funded agreement with Malcolm Pirnie, Inc. for design and engineering services for the Phase III design of the Alvarado Water Treatment Plant;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,702,315 from Water Revenue Fund 41500, CIP-73-261.3, Alvarado Water Treatment Plant - Upgrade and Expansion, for the purpose of funding this agreement, provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases, are or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Alvarado Water Treatment Plant (WTP) Project is currently undergoing Phase I construction to upgrade the existing facility to meet new Federal Drinking -Water Standards and comply with the State of California's Department of Health Services Compliance Order. The Alvarado WTP improvements will also provide facility expansion to meet increasing water demands. Currently, the capacity of the Alvarado WTP is 120 million gallons per day.

With Phase I completion, the Alvarado WTP will have an interim rating of 150 million gallons per day and an ultimate capacity of 200 million gallons per day will be accomplished when all phases of the planned improvements are complete. The overall improvements for the Alvarado WTP, as defined in the Water Department's Capital Improvements Program and approved by City Council in August, 1997, structured the work in three phases to be executed through the year 2006.

The upgrade and expansion includes the construction of eight additional filters, two trains of three stage rapid mixers, raw & finished chemical facilities, a raw water pump station replacement, a treated water pump station replacement, filter backwash tank replacement, rehabilitation of the eight existing filters, improvements to the operations building, two new flocculation and sedimentation basins, the rehabilitation of the two existing flocculation and sedimentation basins, ozone facilities and associated piping and minor facilities in support of the, above improvements.

Malcom Pirnie, Inc., is the designer and engineer selected and currently under contract to provide the necessary professional engineering services for these planned improvements. This agreement will continue the design effort necessary to ensure we meet our mandates and accomplish the planned upgrade and expansion improvements required for the Alvarado WTP.

FISCAL IMPACT:

The total estimated cost of this Agreement is \$6,702,315. Funding is available from the Water Revenue Fund 41500, CIP-73-261.3, Alvarado Water Treatment Plant Upgrade and Expansion.

Belock/Gardner/MBW

Aud. Cert. 2100538.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-210: Actions Pertaining to Regional Air Transportation Capacity Workshop.

(See City Manager Report CMR-00-258.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-872 Cor. Copy) ADOPTED AS AMENDED AS RESOLUTION
R-294306

Limiting the future consideration of airport sites to North Island, Miramar East, Camp Pendleton and Tijuana International Airport; and calling upon the San Diego Unified Port District to proceed to complete the San Diego International Airport Master Plan and to immediately analyze all alternatives thoroughly.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C422-E180.)

MOTION BY WEAR TO FIRST VOTE ON ADOPTING THE RESOLUTION REFLECTING THE FOLLOWING CHANGES: A) ON THE BOTTOM OF PAGE 1 OF THE RESOLUTION, STOP THE SENTENCE AND PUT A PERIOD AFTER "CAMP PENDLETON"; B) INSERT THE FOLLOWING SENTENCES IN THE RESOLUTION THAT SAYS "IF AND WHEN MEXICAN AUTHORITIES EXPAND TIJUANA INTERNATIONAL AIRPORT, THE CITY OF SAN DIEGO STANDS READY TO WORK CLOSELY WITH OUR MEXICAN COUNTERPARTS TO ENSURE THAT SUCH AN EXPANSION BENEFITS CITIZENS ON BOTH SIDES OF THE INTERNATIONAL BORDER; ALSO ENCOURAGE MEXICAN AUTHORITIES TO WORK CLOSELY WITH US IN REALIZING THE GOAL OF THE DEVELOPMENT OF A CROSS BORDER AIR TERMINAL; C) ALLOW FOR THE OTAY MESA COMMUNITY TO PARTICIPATE IN THE DECISION PROCESS ON THE AMERICAN SIDE OF THE BORDER; D) ADD THIS PROJECT TO THE BINATIONAL PLANNING AND COORDINATING COMMITTEE'S WORK PLAN; AND E) NOT TO INCLUDE THE LANGUAGE THAT SAYS "...LIMITING THE FUTURE CONSIDERATION OF OTHER POTENTIAL SITES." Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY WEAR TO ADOPT THE RESOLUTION TO INCLUDE THE LANGUAGE THAT SAYS "...LIMITING THE FUTURE CONSIDERATION OF OTHER POTENTIAL SITES." Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-nay, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-211: Annual Budget for San Diego Data Processing Corporation for Fiscal Year 2001.

(See City Manager Report CMR-00-229.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-640) ADOPTED AS RESOLUTION R-294307

Approving the Annual Budget for San Diego Data Processing Corporation for Fiscal Year 2001 in the amount of \$82,657,218.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 11/20/2000, RULES voted 3 to 0 to approve the San Diego Data Processing Corporation Budget with direction to DPC and City Staff to bring the FY 2002 Proposed Budget forward at the same time as the City's proposed budget. (Councilmembers Mathis, Wear, and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-212: Sale of 49 percent Interest in Lot 5 to Settle Pending Litigation Between the City and The ARC of San Diego (formerly the Association of Retarded Citizens).

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-893) ADOPTED AS RESOLUTION R-294308

Authorizing the City Manager to execute a settlement agreement with The ARC of San Diego, according to the essential terms and conditions set forth in the June 1, 2000, Letter Agreement;

Authorizing the City Manager to execute an agreement with the Federal Aviation Administration under the terms and conditions set forth in the Letter Agreement, in order to make the settlement agreement effective;

Authorizing the City Manager to execute all documents (including, without limitation, escrow documents, acceptance of monies and grant deeds conveying an undivided 49 percent interest in Lot 5 of City Aero Drive Industrial Park, Map-12632 to The ARC of San Diego) and take any actions necessary to implement the terms and conditions of the settlement with The ARC of San Diego;

Authorizing the City Manager to void the proposed settlement agreement with The ARC of San Diego if the Federal Aviation Administration does not approve the proposed settlement agreement between the ARC of San Diego and the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The ARC of San Diego (formerly the Association of Retarded Citizens) ("ARC") is in default under their lease with the City for failure to pay rent. ARC and the City are in a dispute as to how much rent is owed. Although the City did not bring any legal action against ARC, in December 1999, ARC filed suit against the City. The City Manager has reached a tentative

settlement agreement with ARC whereby ARC will purchase a 49 percent undivided interest in Lot 5 in order to be relieved of any future obligation to pay rent. The essential terms of the proposed settlement agreement were previously discussed and approved by Council in closed session on May 30, 2000. Although ARC's operation funds are scarce, ARC received a donation of \$850,000 specifically to acquire this interest in the City's land.

ARC will pay \$850,000 cash for a 49 percent undivided interest in the property. The full appraised fair market value of Lot 5 is \$1,920,000. The City and ARC have explored every possible option in order to resolve the dispute. The settlement proposal is the only viable option available to ARC. If ARC decides to sell their interest in the property or ceases providing services to the disabled community, the City will have the right to purchase ARC's interest in the property at the then fair market value. Federal law requires that the Airport Enterprise Fund receive a fair market return. Because this parcel is owned jointly by the Airport's Enterprise Fund and the General Fund, the current proposal is legally permissible. The Airport Enterprise Fund would receive the cash payment of \$850,000 and the General Fund would continue to subsidize ARC by charging no rent unless ARC breached the use agreement. This effectively eliminates the burden on ARC's operational funds while ensuring the City's compliance with Federal law.

The Federal Aviation Administration (FAA) will be required to approve the City's sale of land to ARC. Although the FAA has tentatively approved the transaction, formal approval cannot be obtained until the City Council has formally approved the proposed settlement. The FAA recognizes that the City's approval is contingent upon its approval. Once the FAA contingency is removed, the proposed settlement with ARC will become final without any further Council action. If the FAA denies approval, the proposed settlement will be void.

FISCAL IMPACT:

\$850,000 will be deposited into the City's Airport Fund 41100 upon close of escrow.

Loveland/Griffith/SA

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A523-664.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-213: Continuing Negotiations with Clews Ranch for the Stephen's Ranch Property in Carmel Valley.

(See City Manager Report CMR-00-230, Dr. John Northrop's History of Carmel Valley dated 11/1/2000, and Jan Fuch's letter dated 10/31/2000.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-913) ADOPTED AS RESOLUTION R-294309

Authorizing the City Manager to accept the deed from the CLEWS, conveying to the City of San Diego the real property known as Assessor Parcel No. 305-041-03, upon complete satisfaction of the terms and conditions of the escrow established for the exchange;

Authorizing the City Manager to execute a deed, conveying to CLEWS, all of the City's right, title and interest in the real property known as Assessor Parcel No. 307-040-73 and a portion of Assessor Parcel No. 307-040-32.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/1/2000, NR&C voted 5-0 to ask the City Manager to move negotiations for the subject property along expeditiously, be ready to discuss the item at the City Council Closed Session of November 14, 2000, and docket the item before the full City Council on November 21, 2000. (Councilmembers Mathis, Kehoe, Stallings, McCarty, and Vargas voted yea.)

FILE LOCATION: DEED F-7918

COUNCIL ACTION: (Tape location: E181-F260.)

MOTION BY STALLINGS TO ADOPT THE RESOLUTION ACCEPTING THE RECOMMENDATION TO GO FORWARD WITH THE CLEWS' PROJECT WITH THE CAVEAT THAT THE PROJECT BE UPGRADED AND DIRECTION TO THE CITY MANAGER TO INCLUDE THE CONSIDERATIONS REQUESTED IN THE LETTER

FROM THE CARMEL VALLEY PLANNING BOARD DATED, OCTOBER 31, 2000,
INTO THE ESCROW INSTRUCTIONS AND INTO THE DEED. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-214: Public Safety Ordinance.

(See memorandum from Mayor Golding dated 11/20/2000.)

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-102) INTRODUCED, TO BE ADOPTED ON DECEMBER 11, 2000

Introduction of an ordinance recognizing the City Charter Provision giving the highest priority in the funding of municipal services to police protection, recognizing the commitment to the addition of police officers set forth in Council Policy 500-01, and expressing direction to the City Manager that in the preparation of the Fiscal Year 2002 through Fiscal Year 2006 proposed budgets, the budget should include the following actions:

1. that for the next five years, public safety personnel be increased until certain performance based standards are met with a minimum goal of adding 10 new public safety personnel positions each year. These performance based standards are to be developed by the City Manager and approved by the City Council, with reference to the original Public Safety Ordinance by the Council;
2. that the City Manager includes data for specific performance based measurements for the Police Department and Fire and Life Safety Services as part of the mid-year budget report;
3. that the mid-year budget report includes a comparison of these specific performance based measures with other large cities in California and the ten most populous cities in the nation that do performance based measurements;

4. that as part of his annual budget proposal, the City Manager includes funding consistent with the goal of reaching performance based measurements as determined by the Council;
5. that the City Council adopt the goal of improving police and fire response times to citizen calls each year for the next five years for all categories of calls in order to achieve the performance goals designated, recognizing that the paramedic contract with Rural Metro already contains performance standards and these cannot be changed;
6. that the City Manager develops performance based standards for the City's lifeguards and report these along with the annual budget proposal.

Declaring that it is the intent of the City Council that there be no new taxes as a result of this proposal.

Declaring that this ordinance shall be of no further force and effect after June 30, 2007.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F688-G638.)

MOTION BY VARGAS TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400: Modifying Branch Library Operating Hours.

(See Memorandum from Mayor Golding dated 11/20/2000 and Memorandum from the Assistant City Manager dated 8/31/2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-914) ADOPTED AS RESOLUTION R-294311 WITH DIRECTIONS

Adopting option number one in Attachment A (memorandum from the Assistant City Manager dated 8/31/2000), and directing the City Manager to shift library hours to meet alternative schedule requests.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F337-687.)

MOTION BY WEAR TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO DO THE FOLLOWING: 1) ACCELERATE AS QUICKLY AS POSSIBLE THE CONSTRUCTION OF THE POINT LOMA LIBRARY; 2) INVESTIGATE TO SEE IF THERE IS A SHORTAGE OF BOOKS AT THE MALCOLM X LIBRARY; AND 3) MEET WITH COUNCIL MEMBER STEVENS ON PUTTING A CORRIDOR BETWEEN THE PERFORMING ARTS PORTION AND THE MALCOLM X LIBRARY PORTION. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401: North Torrey Pines Road Bridge over San Diego Northern Railway Bridge Transfer.

(See City Manager Report CMR-00-239. Torrey Pines Community Area. District-1.)

(Continued from the meeting of November 20, 2000, Item 103, at the request of the City Manager for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-830 Cor. Copy) ADOPTED AS RESOLUTION R-294312

Approving the acceptance of a Quitclaim deed quitclaiming to the City of Del Mar the City's interest in the North Torrey Pines Road Bridge over San Diego Northern Railway;

Authorizing the City Manager to execute a Purchase and Sale agreement with the City of Del Mar, for the transfer of the City of San Diego's interest in the North Torrey Pines Bridge and adjacent property to the City of Del Mar.

FILE LOCATION: DEED F-7905

COUNCIL ACTION: (Tape location: A523-664.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*ITEM-S402: Appointment to the San Diego Convention Center Corporation Board of Directors.

(See memorandum from Mayor Golding dated 11/22/2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-917) ADOPTED AS RESOLUTION R-294313

Nominating the following person for election to the San Diego Convention Center Corporation Board of Directors:

NOMINEE

Chris Frahm
(Replacing Fahari Jeffers
whose term has expired)

NOMINATED BY

Mayor Susan Golding

Electing Chris Frahm to the Board of Directors of the San Diego Convention Center Corporation, for a three-year term to expire on December 1, 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F261-336.)

MOTION BY BLAIR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:00 p.m. in honor of the memory of:

Father John Sanders as requested by Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G639).